

AF 07-0157

AF 09-0688

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 07-0157 and AF 09-0688

ORIGINAL
January 4 2011

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

FILED

JAN 04 2011

IN RE PROPOSED RULE CHANGES TO THE
MONTANA RULES OF CIVIL PROCEDURE
AND THE MONTANA RULES OF
PROFESSIONAL CONDUCT TO ENCOURAGE
LIMITED SCOPE REPRESENTATION (LSR) IN
MONTANA.

WRITTEN COMMENT

SUBMITTED BY THE MONTANA SUPREME
COURT COMMISSION ON SELF-
REPRESENTED LITIGANTS

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

The Commission on Self Represented Litigants writes in unanimous support of the proposed changes.

The Commission is charged with working towards the goal of equal access to justice. This means that all individuals have the ability to address their legal issues in court. We work diligently to identify and lower the barriers to the judicial system for self-represented litigants ("SRL"). All litigants must be treated fairly, equally, and with full access to the courts. The steady increase in the number of self-represented litigants is well documented and presents an ever-increasing burden on the judicial system. The Commission has developed forms to assist SRL, provided training to court clerks and staff, and given outreach trainings to the general public.

Many ordinary Montanans have significant unmet legal needs. Often, these individuals simply cannot afford to hire a full service attorney. And, they are left to their own devices. This results in individual litigants adrift in the courts. They are inadequately prepared to file appropriate pleadings, get their case in front of a judge, or present evidence at a hearing or trial.

Currently, the Montana Rules of Professional Conduct permit limited scope representation ("LSR"). The proposed rule changes create the structure to assist attorneys in offering limited scope representation to their clients. The proposed rules do not create two classes of litigants—those who deserve competent full service representation and those "low income" individuals who deserve incompetent limited scope representation. There is no evidence to indicate that such a situation would exist.

The Commission urges the Montana Supreme Court to adopt the proposed rule changes.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Judy Meadows", with a long horizontal flourish extending to the right.

Judy Meadows

Co-Chair

Montana Supreme Court Commission on Self-Represented Litigants